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Wine in the Pentateuchal Codes. — By MORRIS JASTROW, JR.,
Professor in the University of Pennsylvania, Philadelphia, Pa.

I.

There are two views taken of wine in the Old Testament, one a decidedly unfavorable view, and the other of a more favorable character. As an illustration of the unfavorable view, the account given in Genesis 9, 20—27 of the beginning of viniculture furnishes a characteristic illustration. In this little addition to the Jahwist's account of the Deluge,¹ the planting of the vine leading to Noah's fall from grace is clearly introduced as a protest against the use of wine. Similarly, in the folk-tale, Gen. 19, 31—38, of the origin of the tribes of Ammon and Moab, there is a very distinct antagonism against the use of wine. The drunken Lot because of the wine engages in shameful intercourse with his two daughters.² The assumption in the Noah and in the Lot incident is that he who drinks wine gets drunk and disgraces himself.

This opposition to viniculture is in keeping with a tendency in many parts of the Old Testament which looks with disfavor on the advance to a higher form of culture. Abel the shepherd is given the preference over Cain the tiller of the soil and the city builder. In the Pentateuchal Codes agri-

¹ See Budde *Urgeschichte*, p. 313 seq. Gunkel, *Genesis*, p. 71, and Skinner, *Genesis*, p. 182 seq., though it is not necessary to assume with Budde, Skinner, and others, that the section does not know anything of the Deluge. It is introduced as a *tendency*-tale.

² It matters little for our purposes what the purpose of the tale is, though I confess that Gunkel's explanation (p. 197 seq.) seems to me very artificial.

culture is preferred to commerce which is looked upon askance.¹ The simple tribal organization is preferred to a union into a Kingdom²—in short, simplicity over any advancing form of luxury which comes with the higher culture. The prophets are full of protests against what from the ordinary point of view would be regarded as material and political progress. The Rechabites,³ surviving to the period of the Exile, represent this protest of the lower culture against the higher one, emphasized by their opposition to wine and by their dwelling in tents in preference to houses—the symbol of the higher culture, concomitant with city life.

The Book of Proverbs, despite the late date of its final form, maintains on the whole the antagonistic attitude towards wine. In such sayings as Pr. 23, 31, "Look not on wine when it is red, when it sparkles in the cup", etc.;⁴ Pr. 20, 1, "Wine is a mocker, strong drink is a brawler", the assumption still is that he who drinks wine gets drunk and is led to other excesses. "He who loves wine and oil will not be rich", (Pr. 21, 17) where the juxtaposition with oil illustrates the protest against luxury. A somewhat cynical point of view is set forth in the later chapter 31, 4—7, where we read:⁵

"It is not for kings to drink wine,
Nor for rulers to mix strong drink;
Lest, drinking, they forget the law,
And disregard the rights of the suffering.
Give strong drink to him who is perishing,
Wine to him who is in bitter distress;

¹ The prohibition against taking interest—aimed against Babylonian practices—and emphasized in three of the Codes (Ex. 22, 24; Lev. 25, 36—37; Deut. 23, 20—21) is virtually an enjoiner upon commerce which cannot be carried on without making loans on interest. The words "to the stranger thou mayst lend on interest" (Deut. 23, 21) are a later addition—a concession to actual conditions, but not in keeping with the spirit of the original provision.

² The institution of the kingdom is viewed as an act of disloyalty to Jahweh (I Sam. 12, 12). The view taken of the kingdom and what will happen through the institution is illustrated by Deut. 17, 14—17 and by the parable in Judges 9, 7—15.

³ Jer. 35, 5—10.

⁴ See also Pr. 23, 20—21; 29—30.

⁵ Toy's rendering and reading (*Critical and Evangelical Commentary on the Book of Proverbs*, p. 539).

That, drinking, he may forget his poverty,
And think of his misery no more."

Wine drinking had evidently become a common practice, but was still viewed with disfavor in certain circles whose contemptuous attitude is indicated in these words. Elsewhere, to be sure, e. g., Pr. 9, 2 and 5, "mixed wine" is introduced by the side of meat and bread without any implied opposition, though it is still a wide step to the praise of wine in the later Psalm 104, 15.

"And wine to cheer man's heart,
Oil to make his skin to shine,
And bread to strengthen man's heart."¹

We may perhaps be permitted to conclude from such passages as I Sam. 10, 3; 16, 20; 25, 18; II Sam. 16, 1—2, that by the time of the establishment of the Kingdom, the use of wine had become common; and it is significant that according to the Deuteronomic Code (Deut. 14, 26) both wine and strong drink may be indulged in on the occasion of the festivals, showing that by the end of the seventh century opposition to it had ceased even in religious circles.²

The later view of post-exilic Judaism is reflected in the juxtaposition of "bread and wine", as the accessory to the blessing formula in Gen. 14, 18.³ Pre-exilic and post-exilic prophets still protest against excess in drinking and make use of the wine bibber as a picture of lewdness and disgrace. (Is. 5, 11, 22; 22, 13; 28, 7; Joel 1, 5; Zach. 9, 15) but it is no longer assumed that drinking necessarily leads to drunkenness.⁴ A good wine crop is looked upon as a sign of divine favor and its failure as a sign of God's displeasure—on the same plane with a good or bad yield in corn or oil, e. g., Amos 5, 11; 9, 14; Is. 16, 10; 24, 11; Jer. 13, 12; 40, 10, 12; 48, 33; Zeph. 1, 13; Micha 6, 15; cf. Deut. 28, 39 and

¹ Horace Howard Furness' translation in *Polychrome Bible*, ed. Haupt.

² See also Deut. 28, 39.

³ Gunkel, *Genesis* p. 263, has happily and tersely described this chapter as a "legend of the time of Judaism", based on some historical reminiscences which are woven into the story, intended to bring Abraham into relationship with the great figures of Babylonian history.

⁴ In Hosea, 4, 11, the words "Harlotry and wine and mead take away the understanding", represent an old proverb inserted as appropriate at this place by some redactor.

Lam. 2, 12. The metaphor introduced in the late passage Zach. 10, 7, "their heart rejoiceth as with wine" approaches the attitude expressed in the 104th Psalm as quoted above.

On the other hand when we are told, Gen. 27, 25, that Jacob brought his father, Isaac, wine, it is evident that the words "and he brought him wine and he drank" represent a later addition to the original Jahwist narrative¹ to make the story conform to later conditions. Throughout the narrative (v. 17 and she placed the "dainties and the food"; v. 19, "eat of my venison" cf. v. 31—33) food only is referred to, and the manner in which the words in question are attached betray the later gloss or comment.

A distinction between earlier and later social conditions is also revealed in the stereotyped phrase דָּגָן תִּירוֹשׁ וַיִּצְדָּק (dāgān, tîrôš yišhār) characteristic of Deuteronomy—² for summing up the products of the land, where tîrôš takes the place of the later yayin and represents a preparation of the grape juice in a less advanced stage than the finished fermented product. It has, of course, been noted by commentators³ that the other two terms dagan (corn) and yišhār (oil) are replaced in later usage by חֲטִיִּים (hittîm)⁴ and שֶׁמֶן (šemen) so that there are substantial grounds for believing that the Deuteronomic phrase belongs to an earlier stage in agricultural development⁵ when so far as the grape was concerned the process of manufacturing a thoroughly fermented article had not yet been perfected. Without going into the vexed question of the etymology of

¹ Recognized as such by Gunkel, *Genesis*, p. 279.

² Deut. 7, 13; 11, 14; 12, 17; 14, 23; 18, 4; 28, 51. The occurrence of the phrase in such passages as Hos. 2, 10, 24, Haggai 1, 11, Joel 2, 19 and II Chron. 31, 5, and Neh. 5, 11; 10, 40; 13, 5, 12 is of course a reminiscence or direct quotation of the Deuteronomic usage, while תִּירוֹשׁ וַיִּצְדָּק (heleb, tîrôš, dāgān) in Num. 18, 12 is a variant phrase similarly dependent. The phrase דָּגָן תִּירוֹשׁ (dāgān and tîrôš) e. g., Gen. 27, 28, 37 (Elohists); Deut. 33, 28; II Kgs. 18, 33; Hos. 7, 14; Zach. 9, 17; Ps. 4, 8; Is. 62, 8;—occurring chiefly in poetical passages—likewise represents a variant of the archaic formula.

³ e. g. Driver, *Deuteronomy*, p. 103.

⁴ Dāgān, however, continues to be used in later poetical compositions, e. g. in Ezekiel 36, 29; Ps. 65, 10; 78, 24.

⁵ Indicated also by the use of tîrôš and not yayin in the parable Jud. 9, 13 where the vine says "shall I abandon my tîrôš that rejoiceth god (Elohim) and men"?

yayin,¹ as a loan-word in Hebrew, it points to the foreign origin of the process involved and it would be natural that as an importation among the Hebrews, due to advancing luxury, it should meet with opposition on the part of those who clung tenaciously to older established and simpler customs.²

II.

The conservative character associated in all religions with practices of the cult should prepare us for finding traces of the earlier unfavorable view taken of wine and viniculture in the Pentateuchal regulations regarding the temple service. Such is indeed the case. In Lev. 10, 9 we encounter the prohibition emphasized as "an everlasting statute for all times" that the priests are not to drink wine (*yayin*) or strong drink (*šēkār*) upon coming to the "tent of meeting". The little section (vv. 8—9) in which this prohibition is set forth is independent of the rest of the chapter and impresses one as an old ordinance which is carried over from earlier days. The mention of the "tent of meeting"—which whenever it occurs in the Pentateuchal Codes is, I think, an indication of an early practice, though modified and adapted to later conditions—points in the same direction. The decree finds its counterpart in Ezekiel 44, 21 where the priests are cautioned not to drink wine when they come to the "inner court"

¹ See Brown, Driver and Briggs, *Hebrew and English Lexicon*, s. v. There is no underlying verbal stem from which יין might be derived in use in any of the Semitic Languages. The occurrence of a doubtful *inv* in a syllabary does not justify us in claiming the word as Babylonian. The late occurrence in Arabic and Ethiopic proves nothing as to its origin. Even if it should turn out to be a Semitic word, it is clearly a loan-word in Hebrew.

² The phrase "milk and honey" though characteristic of P (Ex. 3, 8; 13, 5; 33, 3. Num. 13, 27; 14, 5. 16. 13. 14) and of the additions to the Deuteronomic Code (Deut. 6, 3; 11, 9; 26, 9. 15; 27, 3; 31, 20) reflects an even earlier social stage than *dāgān*, *tirōš* and *yishār* and is evidently retained with intent to reflect the conditions prevailing during the nomadic period of Hebrew history. Mohammed's prohibition of wine is a trace of the same opposition of the "nomadic" stage of culture against the innovations of higher civilization. See the incident referred to by Mitwoch, "Zur Entstehungsgeschichte des Islamischen Gebets" (*Abh. d. Kgl. Preuß. Akad. d. Wiss., 1913, Phil.-Hist. Klasse Nr. 2*, p. 14).

—representing the adaptation of the earlier law to the temple as sketched by Ezekiel. Now, to be sure, both in Leviticus and in Ezekiel the prohibition is limited (according to the wording) to the time of the actual carrying out of priestly functions, but it looks very much as though this were a concession made to later practice and that originally the priests were not permitted to drink wine at all as in the case of the *nāzîr* who, as his name indicates, represents one “set aside” or dedicated to a deity. The indications are that the term *nāzîr* is merely an old designation of a priest.¹ Like the *kôhên* he is not to come into contact with a dead body (Num. 6, 6—7; cf. Lev. 21, 1),² and it is therefore a fair inference that the prohibition against drinking wine (*yayin*) and strong drink (*šêkār*) in Num. 6, 3,³ was likewise a general ordinance for priests.

¹ Amos 2, 11—12, who rebukes the people for giving the Nazirites wine and ordering the prophets not to prophesy, uses “nazirites and prophets” as elsewhere we find “prophets and priests” contrasted or placed in juxtaposition, e. g., Jer. 5, 31; 26, 11, 16; Zach. 7, 3. Neh. 9, 32; etc. The later view of the “nazirite” as one “set aside” without affiliation with any priesthood is illustrated in Luke 1, 15 foretelling the coming of John who “shall drink neither wine nor strong drink”. The older attitude towards wine is well illustrated also by Jud. 13, 14 where wine and strong drink are put on the same level as “unclean” food—they defile and are therefore to be avoided by the wife of Manoah who is to keep herself free from contamination, as though she too were “set aside”.

² The exceptions in v. 2—4 represent again a concession, due to the large body of priests assumed for the central sanctuary. From the fact that the exceptions do not apply to the high priest (v. 11), we may conclude that the law not to touch a dead body under any circumstances applied rigorously at one time to all priests.

³ The law in its original form read “From wine and strong drink he shall separate himself”. What follows (v. 3—4) is in the nature of a “*Gemārā*” to the law, specifying the answers to such questions, does wine and strong drink include vinegar of wine and of strong drink? Yes. How about grape juice? Yes—forbidden. How is it with fresh or dried grapes? They also are forbidden. In fact anything made of grapes is included in the prohibition (v. 4). Haggai 2, 11—17 furnishes an interesting example of such questions and priestly decisions (note the technical use of *tôrā* in the passage!) as constituting a regular practice. For further illustration of this method of superimposing layers embodying decisions in regard to the details involved in a law, see the writer’s paper on “An Analysis of Leviticus 13 and 14” in a forthcoming number of the *Jewish Quarterly Review*. This 6th chapter of Numbers

At all events, if the priest is not to drink wine on entering the sanctuary, the assumption is as in the passages voicing the opposition to wine, that he who drinks wine becomes drunk and with such an attitude towards wine, is it likely that wine should have been included among the ingredients of a sacrifice in Jahweh's sanctuary?

III.

Taking up the passages in the Codes where wine is introduced, we find it in three sections which represent general summaries of priestly regulations and furnish clear indications of having been independent little groups. That at least, is certainly the case in Numbers, Chap. 15, 1—11¹ and Chap. 28—29²—both belonging to the so-called Priestly Code. Attached to the burnt-offering in all the cases instanced is a *minḥa* or meal offering consisting of fine flour with oil and wine. The amount of the wine is throughout regulated to correspond to the amount of the oil—³ $\frac{1}{4}$ of a Hîn of oil for a lamb and the same amount of wine, $\frac{1}{3}$ of a Hîn of oil and the same amount of wine for a ram and $\frac{1}{2}$ Hîn of oil and the same of wine for a young of cattle or bullock.⁴ This in itself is an indication that the wine is dependent upon the oil—constituting an additional ingredient added to the conventional

represents the combination of two distinct themes (1) the *nāzîr* law and (2) the laws regarding the one who vows to "separate" himself for a limited period, i. e., to become a temporary *nāzîr*—a later practice. The detailed analysis of this chapter must be left for some other occasion.

¹ v. 1—16 is a little *Tôrâ*—furnishing general regulations for sacrifices and has no connection with the following sections which deal with miscellaneous ordinances, put together without any apparent method. The chapter is sandwiched in between a narrative of the people's murmurings against Jahweh and the rebellion of Korah.

² These two chapters form a little *Tôrâ* of sacrificial regulations for the daily offerings, for the Sabbath, for the new moon, for the Passover, for the "day of firstlings", for the first and tenth days of the seventh month and for the *Ḥag* or pilgrimage festival.

³ Num. 15, 4—9; 28, 5—7. 14. In the latter passage "and their libations are $\frac{1}{2}$ of a Hîn for a bullock, $\frac{1}{3}$ of a Hîn for a ram and $\frac{1}{2}$ of a Hîn for a bullock"—thus specified once for all, so that in the rest of the two chapters, the amount is briefly indicated by the phrase "their libations".

⁴ Num. 15, 8 *בְּרֵבָקָר* = *פָּר* Num. 29, 12. 14 etc. etc. The combination *פָּר בְּרֵבָקָר* Ex. 29, 1. Lev. 4, 3. 14; 16, 3; 23, 18; Num. 8, 8; 15, 24; 29, 2; Ezek. 43, 19. 22. 23. 25 etc. (and *פָּרִים בְּנֵי בָקָר* Num. Chapt. 28, 11. 19; 29, 13. 17) is a later redundant designation.

minḥa of "flour mixed with oil". The manner in which the wine is always tacked on (Num. 15, 5. 7. 10; 28, 7—8, 14)¹ as is a further indication of the supplemental character of the libation. Similarly, in Lev. 23² (Holiness Code) detailing regulations for the three festivals (Passover, Shabuot, and Sukkot) and the first and tenth³ days of the seventh month, the libation of wine for the *minḥa* introduced only in the case of the "wave" offering on the day after the first day of Passover (v. 13) is tacked on to "flour mixed with oil" in an unmistakable manner.⁴

In confirmation of the view here taken of the wine as a later addition to the flour and oil, we find in Lev. Chapter 2, where the *minḥā* offering is set forth in detail, that the wine is omitted. In its place, apparently, we find the frankincense which is attached to the flour and oil.⁵ A handful of the flour and oil with all of the frankincense is placed as a "memorial"⁶ (אֶזְכָּרָה) on the altar, consisting of a "fragrant fire offering", while the rest (i. e., of the flour and oil) is given to the priest, forming as expressly stated "holy of holies of the fire offerings of Jahweh". Verses 4—9 represent again super-

¹ Note how in Num. 28, 15. 24. 31; 29, 11. 16. 19. 22. 25. 28. 31. 34. 38. 39 "libation" or "libations" is added at the close of the verse.

² No sacrifices are prescribed in this chapter with the exception of the two "wave" offerings, one consisting of a oneyear old lamb with a *minḥa* for the day after the first day of Passover (v. 11—13) and one for the 50th day after the first day of Passover, consisting of a "new *minḥa*" (v. 16—17) specified as two loaves of "bread of waving" (לֶחֶם תַּנּוּפָה) with seven lambs, one bullock, two rams (v. 18)—representing an addition to the "grain" offering to which as a second supplement (v. 19) a goat as a sin-offering and two lambs as a "peace-offering" are attached.

³ יוֹם הַתְּעֵנָה (v. 27. 28) the designation of this 10th day is a later gloss. In v. 27, the Greek version omits these words.

⁴ v. 13 "and its *minḥa* 2/20 of fine flour mixed with oil as a fire offering to Jahweh, a pleasant fragrance" clearly ends with רִיחַ נִיחֻחַ. To this there is added rather awkwardly "and its libation" to which furthermore on the basis of Num. 15 and 28—29 the gloss "1/4 of a Hin" is added. The amount of oil, be it noted, is not stipulated here any more than it is in Lev. Chap. 2.

⁵ Lev. 2, 1—3.

⁶ I use the conventional renderings for the technical term אֶזְכָּרָה, רִיחַ, נִיחֻחַ, תַּנּוּפָה, שְׁלֵמִים, חֲטָאת, אֲשָׁם etc., though I am satisfied that all of them need investigation and that they embody much more primitive notions than are conveyed by the usual translations.

imposed layers upon the original *minhā* ordinance, indicating the various forms in which the mixture of flour and oil may be brought as (1) cakes or wafers baked in an oven, (2) baked in a flat pan in small pieces with oil poured on them or, (3) in a cauldron (?) (מִנְחַת מִרְחָשֵׁת). In all cases some of the *minhā* is burnt on the altar and the rest given to the priests.¹ Wine, however, is not mentioned and since it is stipulated that the cakes are to be "unleavened" (מִצּוֹת v. 4—5) and it is further expressly stated that the *minhā* is not to consist of any leaven, (v. 11) it is evident that the wine as a fermented product would by virtue of this be absolutely excluded.

Similarly, in the *minhā* prescribed in the second purification ritual² for the one healed of the *šāra'at* we have flour with oil³ but no wine and so in the *minhā* prescribed as a "guilt"

¹ Lev. 7, 9 where these three forms of *minhā* are again mentioned, but no reference is made to any *azkārā*.

² Lev. 14, 8^b—20. See the study of this ritual in the writer's paper on Leviticus, 13 and 14—above referred to.

³ The amount of oil is here specified in a gloss as "one log" (Lev. 14, 10, 12; also v. 24 in the "substitute" offering). Although the term *minhā* is introduced (v. 10) and the amount of flour specified as 3/20, this is done in order to make the ritual conform to the later practice of attaching a *minhā* to every animal sacrifice as set forth in Numbers 15 and 28—29. In the purification ritual the oil *alone* is utilized (Lev. 14, 15—18; 26—29) and instead of being partly offered with the flour on the altar and the rest given to the priest, it is used like the blood of the "guilt" offering (v. 14, 25) to touch the ear lobe, the right thumb, and the right large toe of the one to be purified and the rest to be poured over his head. This is certainly not a *minhā*, but some primitive rite to make the one out of whom the demon of disease has been driven immune against a renewed invasion. In this case the animal sacrifices have been superimposed upon the "oil" rite; and here again two layers may be recognized (a) an earlier one represented by an ewe (v. 10 cf. Lev. 5, 6) as a guilt offering (v. 14) and (b) two lambs (v. 10) one as a sin offering, the other as a burnt offering (v. 19) in accordance with the conventional later practice. With the growth of the priestly organization—especially in the sanctuary at Jerusalem—necessitating the providing of an income for the priests, animal sacrifices became predominant and the *minhā* became an adjunct to the various kinds of animal offerings—sin-offerings, burnt offerings and peace-offerings—with the natural tendency to increase these offerings steadily. A good illustration of this tendency is to be seen in a comparison of Ez. 46, 6—7 with Num. 28, 11—15, the sacrifices for the new moon, viz:

offering (עֹלָה) (Lev. 5, 11—12) for the one who cannot afford even two turtle doves or two pigeons as a substitute for the ewe or kid (female), there is no wine, any more than in the *minhā* which is to accompany the “peace offering” (Lev. 7, 12—13). Furthermore, in a comparison of the sacrificial regulations for the new moon as given in Ezekiel, 46, 6—7 with Num. 28, 11—15, we have the direct proof that the wine is a later addition, for Ezekiel *does not mention it*, while it is included, as above set forth, in the Priestly Code.¹

The obvious conclusion therefore is that the wine represents a later addition to the ritual and the omission in Ezekiel forms a definite terminus for the introduction. It is clearly post-exilic and the manner in which the libation of wine has been tacked on to the *minhā* in the three sections discussed furthermore shows that even in the post-exilic codes, the wine represents a later layer superimposed on earlier ones. The

Ezekiel	Numbers
1 bullock	2 bullocks
6 lambs	7 lambs
1 ram	1 ram

On the other hand the *minhā* is larger in Ezekiel.

Ezekiel	Numbers
1 Ephā (of flour) for the bullock	3/20 of an Ephā for each bullock
1 Ephā for the ram	2/20 for the ram
As much as one can afford for the lambs	1/10 for each lamb
One Hīn of oil for each Ephā	

The amount of oil is not specified in Numbers but the assumption is (cf. Num. 28, 5; 15, 4. 5. 9) 1/2 Hīn for the bullock, 1/3 Hīn for the ram and 1/4 Hīn for each lamb as is shown by the amount of wine (*only* in Numbers!) in v. 14. See Carpenter and Battersby, *Hexateuch* I, p. 128. In Lev., chapters 1 and 3—5 specifying the regulations for the burnt offering (עֹלָה) peace offering (זֶבַח שְׁלָמִים) for the sin offering (חֲטָאת) and guilt offering (עֲשָׂה) no *minhā* is attached, but in Chap. 6, it is tacked on to the burnt-offering (v. 7—11) and in Chap. 7, 11—13, it is rather awkwardly dovetailed into the “peace” offering as a kind of supplemental “thanksgiving” offering (תְּנוּחָה). Clearly then the practice as detailed in Num. 15 and 28—29 where the *minhā* appears as the regular addition represents the later practice.

¹ The *āsām* is not to be distinguished in the Codes from the *hattāt*, as the statement, Lev. 7, 7 “There is one law for the *hattāt* as for the *āsām*” or Lev. 14, 13 “the *āsām* is like the *hattāt*” shows. Whether originally there was a distinction is another question which is probably to be answered in the affirmative.

innovation therefore belongs to a period when all opposition to the use of fermented wine had disappeared, when it had not only become a common article of daily life but when wine had become as in Psalm 104 and Zachariah 10, 7; (cf. also Eccles. 10, 19) a symbol of joy. A trace of the older attitude, however, remained in the prohibition that the priest was not to take wine on entering the sanctuary, because of the old feeling that wine drinking leads to drunkenness.¹ The subject is of interest because of the extensive use to which wine was put in the later Jewish ritual where, as is well-known, the wine becomes the symbol for the sanctification of the Sabbath and of the Jewish festivals² and which is reflected in the New Testament passages regarding wine.³

It is thus a far cry from the opposition to viniculture expressed in Genesis—maintained by the Rechabites down to the time of the Exile and implied in the Nazir's abstention from wine—to the use of wine as indicated in the latest layers of the Pentateuchal Codes, and it is a still wider step to the blessings over the "fruit of the wine" which is such a significant feature of the official Jewish ritual⁴ and to the use of four cups of wine as marking the divisions of the family service—the so-called *Seder*—on the eve of the Passover festival.

In view of the recent investigations of Professor Erdmanns,⁵ which have again moved the question as to the composition of the Pentateuchal Codes into the foreground, it is, I think, of some importance to show through a specific example, as I

¹ May we perhaps see in the Talmudic ordinance (*Berakot* 31a) forbidding any one who has taken a certain quantity of wine from reciting the prescribed prayers, a further trace of this feeling? See Mittwoch, "Zur Entstehungsgeschichte des Islamischen Gebets und Kultus" (*Abh. Kgl. Preuss. Akad. d. Wiss. 1913, Phil.-Hist. Klasse.* Nr. 2, p. 14).

² See the article *Kiddush* in the *Jewish Encyclopaedia* VI, p. 483, and Talmud Babli *Berakot* 35a.

³ Matthew 26, 27—29 = Mark 14, 23—25 = Luke 22, 17—18. Wine was considered the natural accompaniment to a marriage feast (John 2, 3—10). The passages in I Timothy 5, 23 where Timothy is urged not to drink water but to "use a little wine for thy stomach's sake and thine other infirmities" is significant, though naturally the warning against over-indulgence is still inculcated. e. g. I Timothy 3, 8; Titus 2, 3; Eph. 5, 18. The reference to the use of oil and wine for wounds in Luke 10, 34 is interesting.

⁴ *Berakot* (*Mišnā*) VI, 1.

⁵ *Alttestamentliche Studien.* (4 Parts) See especially the 4th part giving the results of his study of Leviticus.

have endeavored here, the way in which the Codes reflect varying social conditions separated from one another by a span of several centuries. Prof. Erdmanns is no doubt right in many of his contentions as to the age of many of the provisions in the so-called Priestly Code and the Holiness Code. The criticism to be passed upon his analysis of Leviticus is that it does not go deep enough, whereas on the other hand his conclusions are too radical and not warranted by the evidence that he brings forward. Instead of maintaining that the entire legislation in the Pentateuch is pre-exilic, I venture to set up the thesis that *all* the Codes conventionally recognized by critics show evidence of having originated at a time when the religious organization at the sanctuaries scattered throughout Palestine was very simple, the religious practices still close to primitive phases of religious beliefs and the social conditions correspondingly simple. Over this basic stratum, a large number of layers have been superimposed, representing (a) more or less radical modifications of the original laws to adapt them to later conditions, and to make them conform to the needs of a large central sanctuary with an elaborately organized priesthood that had to be provided for; (b) priestly decisions in answer to questions regarding the scope and specific application of any given law; (c) comments of an explanatory character including glosses, definition of terms, variant expressions and the like. In other words we have in these Codes the same process that is to be seen in the superimposition of the Gemārā upon the Mišnā in the regulations of Rabbinical Judaism. The result is that the Pentateuchal Codes represent a *continuous* tradition and growing practice, extending from early days to the definite organization—though largely theoretical—of the post-exilic temple service. For the sake of convenience, such designations as the Priestly Code with its various subdivisions¹ may be retained, but it must be recognized that the terms do not convey any sense of organic unity, and that the subdivisions recognized have nothing more than a formal value. Each little section consisting frequently of a few verses only must be taken by itself and separated into its component parts—basic stratum and superimposed layers—and the attempt made to differentiate between the

¹ See Carpenter and Battersby, *Hexateuch* I, p. 155 seq.

social and religious conditions reflected in the original law and those indicated in the subsequent accretions.¹ Frequently, however, these little sections have been combined into a group where again the process corresponding to the growth of a *Gemārā* around a *Mišnā* may be followed in detail. Briefly put, the Pentateuchal Codes, properly interpreted, form the accompaniment to the social and religious evolution of Hebrew civilization from the beginnings of a confederation of the Hebrew tribes to the time of Ezra and perhaps even for some decades beyond Ezra.

¹ I have endeavored to do this in the case of the *šāra'aṭ* legislation (Lev. 13—14) in the article several times referred to and I hope to follow this up by studies of such sections as the Atonement ritual (Lev. 16), the Nazirite *Tôrā* (Num. 6), the "red heifer" (Num. 19), the ordeal in the case of the woman suspected of adultery (Num. 5), etc., all of which will, I think, through the application of this method yield valuable results.